



# **Vogel Paint & Wax Co.**

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Maurice, Iowa  
EPA ID#: IAD980630487  
SSID: 071M

# Purpose of Discussion

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- Fifth Five-Year Review report is nearing finalization.
  - Program Target: August 27, 2019
  - Statutory Deadline: September 10, 2019
- Region 7's draft Fifth FYR resulted in two comment letters:
  - Solicited comments from Iowa DNR, received July 15, 2019
  - Unsolicited comments from outside counsel for Diamond Vogel, received July 9, 2019
- Need to resolve and communicate EPA's position on comments related to:
  - Modification of current IC requirements
  - RAO establishing the point of compliance for groundwater



# IC Background

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- Sept. 1989 ROD: “Continued listing and restrictions associated with the State Abandoned or Uncontrolled Sites Registry until no further threat remains. (Currently known as State Registry of Hazardous Waste or Hazardous Substance Disposal Sites).”
- July 1994 ESD: No changes identified related to ICs.
- Oct. 2000 ESD:
  - Applied the Protected groundwater source classification to Vogel thereby requiring cleanup of contaminated groundwater to MCLs.
  - Established groundwater point of compliance at the property boundary on presumption of future prohibition of on-site groundwater use.
    - “With institutional controls applicable to the site property, the use of on-site groundwater for drinking water will be prohibited.”
- Aug. 2017: IDNR suggested via letter to PRP that it “develop and implement an environmental covenant.”

# Regional Position on ICs

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- Region 7 believes that implementation of proprietary controls is necessary to:
  - Fulfill the 2000 ESD's expectation that use of contaminated on-site groundwater will be prohibited; and
  - Achieve long-term protectiveness by ensuring prevention of human exposure to contaminated groundwater.
- Fifth FYR will recommend implementation of proprietary controls (e.g., environmental covenant) to establish appropriate use restrictions.

# Point of Compliance Background

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- Sept. 1989 ROD: “Groundwater contamination detected in upper sand aquifer with well-defined plumes not expanding.”
- July 1994 ESD: No changes identified to groundwater plume.
- Oct. 2000 ESD:
  - Cleanup of groundwater to chemical-specific ARARs is not a reasonable goal.
  - Localized groundwater in excess of ARARs is anticipated to exist for the foreseeable future.
  - Contain the contaminated groundwater onsite and ensure contaminants in excess of drinking-water standards do not migrate offsite.

# Regional Position on GW P.O.C.

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- OSRTI and Region 7 prefer to achieve NPL's expectation of site-wide groundwater remediation of groundwater to health-based standards, contrary to Oct. 2000 ESD.
- Fifth FYR will include a note concerning this issue in the "Other Findings" section:
  - "The point of compliance defined in the October 2000 ESD appears to be inconsistent with Iowa's state-wide classification of drinking water aquifers and the EPA's expectation to return groundwater to beneficial uses wherever practicable. This issue needs to be further evaluated between the EPA, IDNR, and Vogel."